

## CHAPTER 1

### GENERAL INFORMATION

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Attachment 1 Reference Publications

Attachment 2 Form FGIS-955, "Application for Inspection  
under the Agricultural Marketing Act"

## 1.1 INTRODUCTION

The inspection of hop is a service provided under the Agricultural Marketing Act of 1946 (Act). This service is provided, upon request, by either a Federal Grain Inspection Service (FGIS) designated cooperator (e.g., the state of Washington) or an FGIS field office, depending upon the location of the lot and the type of inspection requested. Official inspections of hop are performed by trained and licensed (or authorized) official personnel employed by FGIS or a cooperator.

## 1.2 DEFINITIONS

Appeal inspection. A review inspection, by FGIS, of the results of an original or retest inspection service.

Carrier. A truck, trailer, truck/trailer combination, railcar, barge, ship, or other container used to transport bulk, sacked, or packaged hop.

Certification. The process of issuing an official certificate that indicates the quality of a lot or sample of hop or the results of some other official service.

Checkcounting. The process of determining the total number of filled outer containers in a lot in order to determine that the number of containers shown by the applicant is correct and certifying the results.

Checkloading. The process of performing a stowage examination on a carrier, computing the number of filled containers loaded aboard the carrier, observing the condition of the containers loaded aboard the carrier, sealing the carrier, if practicable, and certifying the results.

Checkweighing. The process of weighing a selected number of containers from a lot, determining the estimated total gross, tare, and net weight, or the estimated average gross or net weight per filled container, and certifying the results.

Composite sample. A single sample composed of small portions (component samples) taken throughout a lot.

Condition inspection. The process of determining whether an identifiable lot is water damaged, fire damaged, or has rodent or bird contamination, insect infestation, or any other deteriorating condition, and certifying the results.

Cooperator. An agency or department of the Federal Government which has an interagency agreement with FGIS or state agency which has a reimbursable agreement with FGIS.

Core sample. A portion of hop extracted from a bale of hop for inspection purposes.

Core sampler. A probe-type device approved by FGIS for officially sampling hop. Core samplers are composed of a steel tube that is approximately 10 inches in length and 3 inches in diameter, with a sharp cutting edge, convenient handles, and an expeller attached inside the tube. The resulting sample will be a core of hop that is approximately 6 inches in length.

Dried hop. Kiln dried hop in bulk, in bales, or in some other form of package.

Extraneous matter. Material foreign to the hop plant.

Grower number. A number assigned by the Hop Growers of America that identifies a specific grower. Grower numbers shall consist of three or more alphanumeric characters.

Hop. The cones of the cultivated varieties of hop.

Leaf and stem. The leaf and stem of the hop plant, except the approximately 1 inch long stems (petioles) that bear the individual cones.

Lot. Any identified amount of hop offered by an applicant for inspection.

Lot (quality) inspection. The process of obtaining a representative sample(s) of an identifiable lot, examining or testing the sample(s), examining relevant records of the lot, and certifying the results.

Observation of loading. The process of determining that an identified lot has been moved from a warehouse or carrier and loaded into another warehouse or carrier and certifying the results.

Official personnel. Any authorized Department employee or person licensed by FGIS to perform all or specified functions under the Act.

Official sample. A representative sample drawn by official personnel licensed or authorized by FGIS.

Original inspection. An initial inspection of a lot or sample.

Sampling. The process of drawing a representative sample from a lot of hop.

Seed. Hop seed, regardless of maturity.

Stowage examination. The process of visually determining if an identified carrier or container is clean, dry, free of live infestation, rodents, toxic substances, and foreign odor; suitable to store or carry hop; and certifying the results.

Submitted sample inspection. The process of grading or testing a sample submitted by an applicant and certifying the results.

### **1.3 ORIGINAL INSPECTION SERVICES**

- a. Any interested person may request an original inspection.
- b. Requests may be made verbally or in writing.
  - (1) Verbal requests shall be confirmed, in writing, upon request. All written requests shall be made in English and include the following:
    - (a) The identification, quantity, and location of the hop;
    - (b) The type of service(s) requested;
    - (c) The names and mailing addresses of interested persons; and
    - (d) Any other relevant information that official personnel require.
  - (2) Copies of request forms may be obtained from any cooperator or FGIS field office. If all required documentation is not available when the request is made, it shall be provided as soon as it is available. At their discretion, official personnel may withhold inspection service pending receipt of the required documentation.

- c. Requests for services, other than submitted sample inspections, must be made with the cooperator or FGIS field office responsible for the area in which the service will be provided.
- d. Requests for submitted sample inspections may be made with any cooperator or FGIS field office that provides original hop inspection services.
- e. Requests for services to be performed during loading, unloading, handling, or processing must be submitted far enough in advance so official personnel can be present.

#### **1.4 APPEAL INSPECTION SERVICES**

- a. Any interested person may request an appeal inspection. When more than one interested person requests an appeal inspection, the first interested person to make the appeal request is the applicant of record.
- b. Requests may be made verbally or in writing.
  - (1) Verbal requests shall be confirmed, in writing, upon request. All written requests shall be made in English and include the following:
    - (a) The identification, quantity, and location of the hop;
    - (b) The type of service(s) requested;
    - (c) The names and mailing addresses of interested persons; and
    - (d) Any other relevant information that official personnel require.
  - (2) Requests for appeal inspection services on quality factors must be filed with the FGIS field office responsible for the area in which the original inspection was performed.
  - (3) Copies of request forms may be obtained from any cooperator or FGIS field office. If all required documentation is not available when the request is made, it shall be provided as soon as it is available. At their discretion, official personnel may withhold inspection service pending receipt of the required documentation.

- c. An appeal inspection shall only be performed by an FGIS inspector.
- d. Official personnel shall not perform, participate in performing, or issue a certificate if they participated in a previous inspection or certification of the lot unless there is only one authorized person available at the time and place of the requested appeal inspection.
- e. Only one appeal inspection may be obtained from any original inspection service.
- f. The scope of an appeal inspection shall be limited to the scope of the original inspection. If the request specifies a different scope, the request shall be dismissed.
- g. The applicant may request that an appeal inspection be based on the file sample or a new sample. However, an appeal inspection shall be based on a new sample only if the lot can positively be identified by official personnel as the one that was previously inspected and the entire lot is available and accessible for sampling and inspection.
- h. An appeal inspection shall be limited to a review of the sampling procedures and an analysis of the file sample when, as a result of the original inspection, the hop are found to be contaminated with filth or to contain a deleterious substance. If it is determined that the sampling procedures were improper, a new sample will be obtained if the lot can be positively identified as the lot which was previously inspected and the entire lot is available and accessible for sampling and inspection.
- i. An appeal inspection certificate supersedes the original inspection certificate. The superseded certificate will be considered null and void as of the date of the appeal inspection certificate. The original inspection certificate for the inspection being appealed must be promptly surrendered.
- j. An appeal inspection certificate shall be issued before the close of business on the business day following the date the appeal inspection is completed.
  - (1) Each appeal inspection certificate shall clearly show the word "Appeal" and the following statement: "This certificate supersedes Certificate No. \_\_\_\_\_, dated \_\_\_\_\_."

- (2) When the results for more than one kind of service are reported on the original certificate and not all the services are appealed, use the following statement: "(Type of service) results based on appeal inspection; all other results are those of the original inspection service."
  - (3) When the results of an appeal inspection are based on a file sample, the certificate shall show the following statement: "Quality results based on file sample."
  - (4) If the superseded original certificate is in the custody of FGIS, the superseded certificate shall be marked "VOID." If the superseded certificate is not in the custody of FGIS at the time the appeal certificate is issued, the following statement shall be shown on the appeal certificate: "The superseded certificate identified herein has not been surrendered."
- k. A request for an appeal inspection shall be dismissed when:
  - (1) The scope is different from the scope of the original inspection;
  - (2) The condition of the hop has undergone a material change;
  - (3) The request specifies a file sample and a representative file sample is not available;
  - (4) The applicant requests that a new sample be obtained and a new sample cannot be obtained; or
  - (5) The reasons for the appeal inspection are frivolous.
- l. Official personnel shall notify the applicant of the proposed dismissal of service. The applicant shall then be afforded reasonable time to take corrective action or to demonstrate there is no basis for the dismissal. If the corrective action has not been adequate, the applicant shall be notified of the decision to dismiss the request for service and the results of service shall not be released.
- m. An applicant may withdraw a request for appeal inspection any time before official personnel release results, either verbally or in writing.

**NOTE: Applicants who withdraw a request for service may be billed for all expenses incurred prior to withdrawal.**

## **1.5 NEW ORIGINAL INSPECTIONS**

- a. When circumstances prevent an appeal inspection, an applicant may request a new original inspection on any previously inspected lot. However, a new original inspection may not be performed on an identifiable hop lot which, as a result of a previous inspection, was found to be contaminated with filth or to contain a deleterious substance.
- b. A certificate issued as a result of a new original inspection is, in fact, an original inspection certificate. It shall be based on a new sample and shall not be restricted to the scope of any previous inspection. Subsequently, the applicant for a new original inspection may request any or all of the inspection services provided for by the regulations.
- c. A new original inspection certificate shall not supersede any previously issued certificate. However, when possible, the outstanding original inspection certificate should be surrendered.

## **1.6 ORIGIN INSPECTIONS**

- a. Applicants may request origin inspection certificates that show that their hop are a product of the soil and industry of the United States.
- b. When an origin inspection is requested, official personnel shall:
  - (1) Request all relevant records from the applicant which may indicate the origin of the hop.
  - (2) Obtain a representative sample.
  - (3) Analyze the sample to verify that the hop compare favorably with types of hop known to be grown in the United States. The size, shape, color, odor, and other characteristics should be considered in making this determination.
  - (4) If, after reviewing the relevant records and analyzing the hop, there is no indication that the hop are not a product of the soil and industry of the United States, show the following statement on the certificate: "The (hop) described herein and relevant records indicating the origin of these (hop)



have been examined and found to be a product of the soil and industry of the United States."

- (5) When records are not available or if the records are not sufficient to substantiate that the hop are a product of the soil and industry of the United States, but the representative sample appears to be of a type common to the United States, the following statement may be shown on the certificate: "Applicant states that these (hop) are a product of the soil and industry of the United States."

## **REFERENCE PUBLICATIONS**

The following publications are referenced in this handbook. Copies may be obtained, upon request, from the Federal Grain Inspection Service.

1. Agricultural Marketing Act of 1946, as amended, and the regulations thereunder.
2. FGIS Equipment Handbook.
3. FGIS Directive 9170.3, "Forwarding Samples to the Technical Services Division."
4. FGIS Directive 9170.13, "Uniform File Sample Retention System."

## FORM FGIS-955, AAPPLICATION FOR INSPECTION UNDER THE AGRICULTURAL MARKETING ACT≡

Part 68.8 of the Agricultural Marketing Act of 1946, as amended, requires that an application for inspection must be made prior to performance of service.

FORM APPROVED: OMB 0580-0013

U.S. DEPARTMENT OF AGRICULTURE FEDERAL GRAIN INSPECTION SERVICE  <b>APPLICATION FOR INSPECTION UNDER THE AGRICULTURAL MARKETING ACT OF 1946</b>		Public reporting burden for this collection of information is estimated to average .17 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the form. Send comments regarding this burden estimate or any other aspects of this collection of information including suggestions for reducing the burden to USDA, OIRM, Clearance Officer, Room 404-W, Washington, DC 20250. When replying refer to the OMB Number and form number in your letter.	
Pursuant to Section 203(h) of the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1622) and the regulations and standards thereunder (7 CFR Parts 57, and 68), we hereby apply for an inspection of the commodity described below.			
1. TYPE OF INSPECTION a. (Check one) <input type="checkbox"/> ORIGINAL LOT <input type="checkbox"/> APPEAL <input type="checkbox"/> MULTIPLE LOT <input type="checkbox"/> NEW INSPECTION <input type="checkbox"/> SUBMITTED SAMPLE <input type="checkbox"/> RETEST b. (Check one)			
2. SERVICE REQUESTED <input type="checkbox"/> INSPECT FOR GRADE AND FACTOR <input type="checkbox"/> INSPECT FOR FACTORS ONLY <input type="checkbox"/> INSPECT FOR CONDITION <input type="checkbox"/> CHECK-COUNT <input type="checkbox"/> CHECK-WEIGHT <input type="checkbox"/> CHECK-LOAD <input type="checkbox"/> OTHER (list under remarks)			
3. COMMODITY (Kind)		4. LOCATION OF COMMODITY	
5. CONTRACT NO. (If any)		6. CARRIER OR OTHER IDENTIFICATION	
7. GRADE AND KIND (Factor or specifications)			
8. QUANTITY (Specify in bushels, pounds, etc.)		9. NUMBER AND KIND OF CONTAINERS	
10. CONTAINER MARKINGS			
11. NAME AND ADDRESS (Include ZIP Code) OF APPLICANT (Firm name)		12. IF APPLICATION IS BY AGENT, NAME AND ADDRESS (Including ZIP Code) OF AGENT (Firm Name)	
13. NAME AND ADDRESS (Include ZIP Code) OF CONSIGNEE			
14. IF APPLICATION IS FOR A RETEST OR APPEAL INSPECTION, NAME(S) AND ADDRESS(ES) OF OTHER INTERESTED PARTIES, IF ANY (If none, so state).			
15. REMARKS			
In submitting this application, I expressly agree that the fees and charges for the inspection shall be assessable to and payable by me and hereby certify that I am a financially interested party or an authorized agent thereof. 18 U.S.C. 1001 provides for a fine of not more than \$10,000 or imprisonment for not more than 5 years, or both, for false or fraudulent statements made to an agency of the United States. I declare that the foregoing statements are true to the best of my knowledge, information, and belief.			
16. DATE	17. NAME OF FIRM		18. SIGNATURE OF PERSON MAKING APPLICATION
<b>19. FOR USE BY FGIS</b>			
APPLICATION RECEIVED BY	DATE	TIME	OFFICE
CERTIFICATE NO. OR NOS.			
AMOUNT OF DEPOSIT (If any)	FEES AND CHARGES		AMOUNT RETURNED TO APPLICANT (If any)

**INSTRUCTIONS FOR COMPLETING FORM FGIS-955, "APPLICATION  
FOR INSPECTION UNDER THE AGRICULTURAL MARKETING ACT"**

**NOTE: The numbers coincide with the numbered blocks on the form.**

- (1) Check a box on both line a and line b to indicate the type of inspection being requested.
- (2) Check the box(s) that indicates the type(s) of service(s) being requested.
- (3) Show "HOP."
- (4) Show the location of the hop.
- (5) Show the contract number only if it is to be shown on the inspection certificate.
- (6) Show the complete name and number of the carrier or other lot identifier; e.g., grower number.

For submitted samples, show any unique word(s) or alphanumeric identifier.

- (7) Show the contract specifications or requirements.
- (8) Show the net and gross weight in pounds, kilograms, or hundredweights. Also show net weight if required for billing purposes.
- (9) Show the number and kind of containers/bales.
- (10) Show the container markings. If there are no markings, show "None." For bulk hop, show "Bulk."
- (11) Show the name and address of the applicant; i.e., the party that will be billed for the service.
- (12) If applicable, show the name and address of the agent or person submitting the application.

- (13) Show the name and address of the consignee if this information is to be shown on the inspection certificate.
- (14) For appeal inspection requests only, show the name(s) and address(es) of all interested parties. If there are none, show "None."
- (15) Show grower number, warehouse receipt number, and any other pertinent information or statements.
- (16) Show the date the application is submitted.
- (17) Show the name of the person, firm, company, or organization that should be billed for the service. If same as "Applicant," show "Same."
- (18) Show the signature of the person who is making the application.
- (19) FOR USE BY FGIS.